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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/705,842	11/13/2003	Roland Joubert		4883

7590 09/28/2004

Gregory J. Gore
70 W. Oakland Ave., Suite 316
Doylestown, PA 18901

EXAMINER

SCHULTERBRANDT, KOFI A

ART UNIT	PAPER NUMBER
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3632

DATE MAILED: 09/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/705,842

Applicant(s)

JOUBERT, ROLAND

Examiner

Kofi A. Schulterbrandt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>022604</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This first Office Action is in response to Applicant's originally filed Application received in the Office on November 13, 2003 in this case.

Information Disclosure Statement

The information disclosure statement (IDS) submitted on November 13, 2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

Claim Rejections - 35 USC § 102

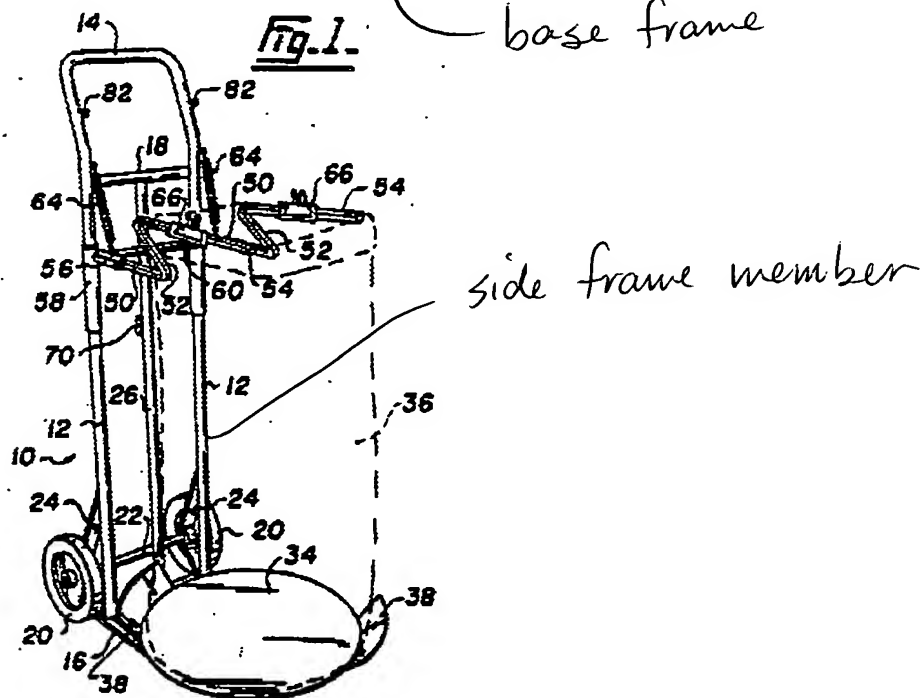
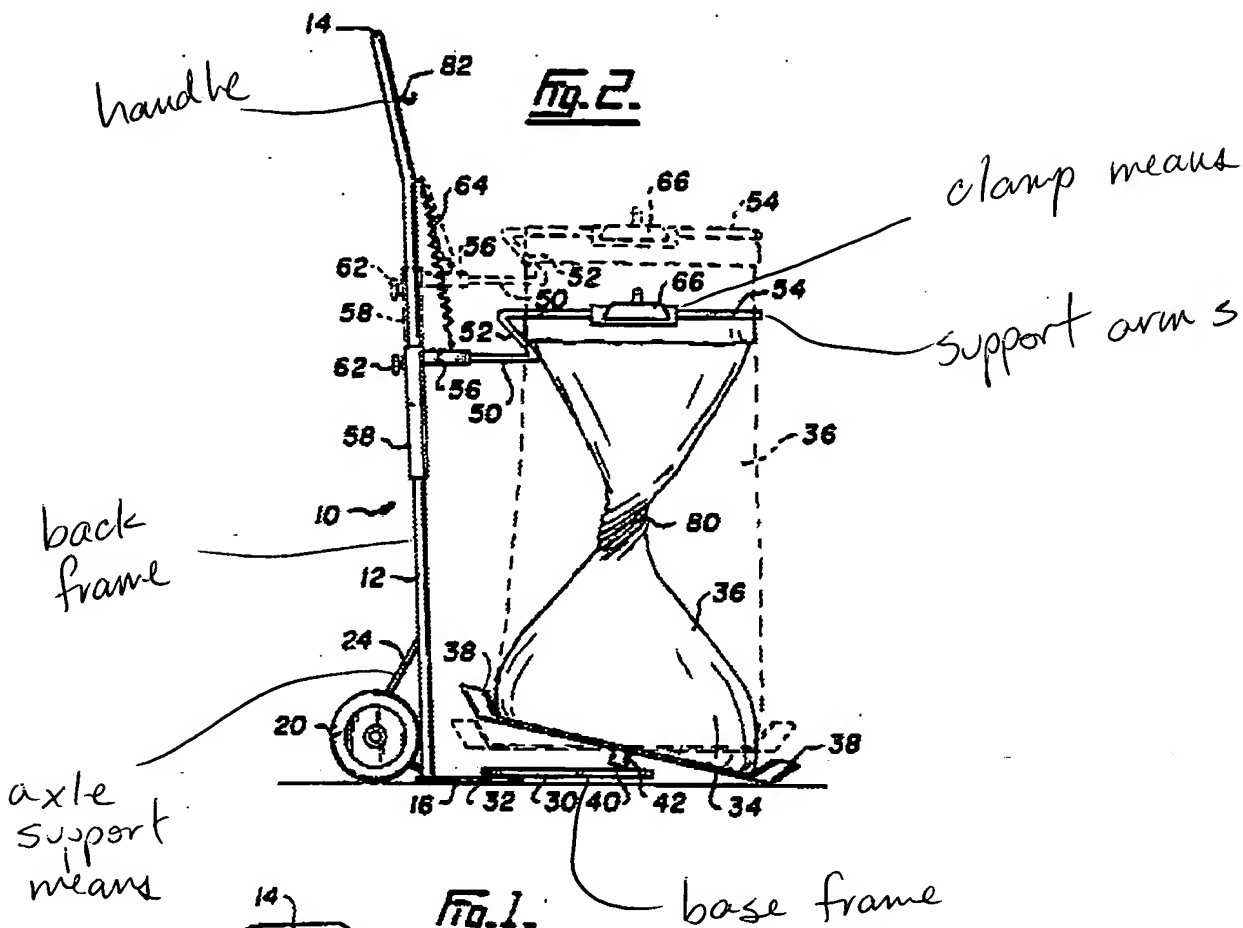
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers (4,917,393). Rogers teaches each feature of the claimed invention as shown below.

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Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

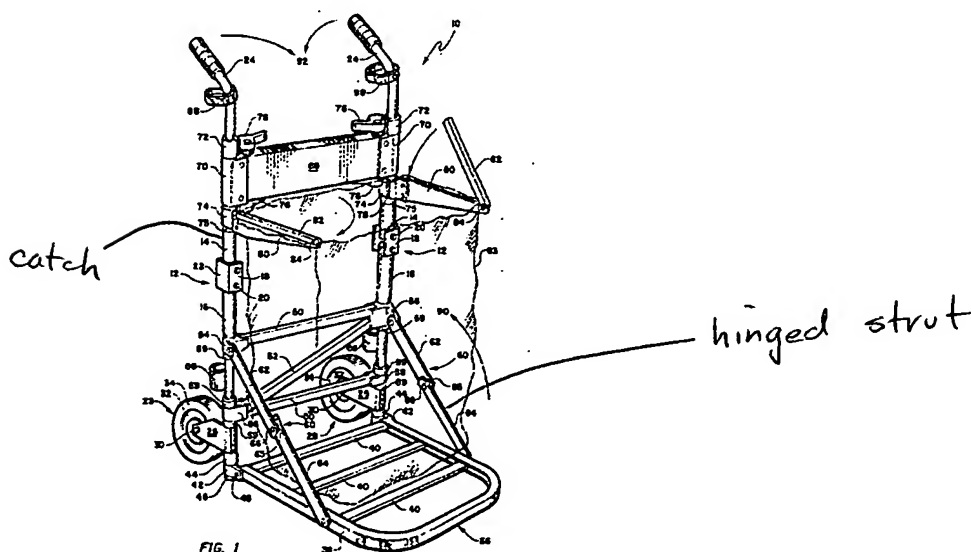
Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (4,917,393), in view of Bish (2,454,857). Rogers teaches, substantially, each feature of the claimed invention as discussed above including a clamp (66). Rogers does not teach a jaw rigidly affixed to the support arm. Bish, however, teaches a receptacle holder having a clamp with a jaw rigidly attached to the support arm for holding a receptacle. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Rogers by affixing one of Rogers' jaws to the arm as taught by Bish so as never to loose the clamp when work is being performed.

Claims 5 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (4,917,393), in view of Anderson (4,448,434). Rogers teaches, substantially, each feature of the claimed invention as discussed above. Rogers does not teach hinged strut means connected between the base frame and the side frame members of the back frame. Anderson, however, teaches a pivoting base having the claimed side struts for supporting the base and the back frame as claimed. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Rogers to have a pivoting base and hinged strut means as taught by Anderson in order

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to increase Rogers' ability to fold away. Regarding claim 7, Rogers' element (14) catches the base when it is folded close.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers (4,917,393), in view of Anderson (4,448,434) and Bish (2,454,857) and. Rogers and Anderson, in combination, teach substantially each feature of the claimed invention as discussed above. Rogers and Anderson, in combination, do not teach a toggle linkage whereby the jaws may be locked in a clamped position. Bish, however, teaches the claimed toggle linkage, in that, jaws (4) and (9) are linked together at a pivot point (8) and toggle between an open and a closed clamped position. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified Rogers and Anderson to have Bish's clamp structure in order realize Bish's permanent attachment capability so as not to lose the clamp during the work day. Bish also teaches a resiliently compressible component (10).



Prior Pertinent Art


The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. '521 to Harding teaches a bag holder on wheels having a back base and sides.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kofi A. Schulerbrandt whose telephone number is (703) 306-0096. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kofi Schulerbrandt
September 20, 2004


LESLIE A. BRAUN
SUPERVISORY PATENT EXAMINER